

AMENDED IN SENATE APRIL 20, 2010

AMENDED IN SENATE APRIL 7, 2010

**SENATE BILL**

**No. 1432**

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**Introduced by Senator Hancock**

February 19, 2010

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An act to amend Section 17070.80 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1432, as amended, Hancock. School facilities.

Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts; prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. The Greene Act requires all school facilities purchased or newly constructed pursuant to the act for use, in whole or in part, by pupils who are individuals with exceptional needs, as defined, to be designed and located on the schoolsite so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both.

This bill would require, as a condition of receiving approval by the State Department of Education for the project, the school district to certify that the project includes the necessary classrooms, toilet rooms, and medical therapy facilities for pupils who are individuals with exceptional needs with due consideration for identifying and planning for the least restrictive environment that supports the education of these pupils or to certify and demonstrate that the project site has dedicated acreage of sufficient size and in an appropriate location to support the construction of classrooms, toilet rooms, and medical therapy units in

the future by the district or the county office of education, unless the school district certifies that the district and the county office of education or special education local planning agency have *conferred and determined that there are* no special education facilities needs.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 17070.80 of the Education Code is  
2 amended to read:

3 17070.80. (a) All school facilities purchased or newly  
4 constructed pursuant to this chapter for use, in whole or in part,  
5 by pupils who are individuals with exceptional needs, as defined  
6 in Section 56026, shall be designed and located on the schoolsite  
7 so as to maximize interaction between those individuals with  
8 exceptional needs and other pupils as appropriate to the needs of  
9 both.

10 (b) The governing board of each applicant school district and  
11 the county office of education shall ensure that school facilities  
12 for pupils who are individuals with exceptional needs are integrated  
13 with other school facilities.

14 (c) (1) As a condition of approval of a project by the State  
15 Department of Education, the applicant school district or county  
16 office of education shall do either of the following:

17 (A) Certify that the project includes the necessary classrooms,  
18 toilet rooms, and medical therapy facilities for pupils who are  
19 individuals with exceptional needs with due consideration for  
20 identifying and planning for the least restrictive environment that  
21 supports the education of these pupils.

22 (B) Certify and demonstrate that the project site has dedicated  
23 acreage of sufficient size and in an appropriate location to support  
24 the construction of classrooms, toilet rooms, and medical therapy  
25 units in the future by the district or the county office of education.

26 (2) If the project does not include facilities and supporting  
27 infrastructure for individuals with exceptional needs or the  
28 dedicated acreage, the school district shall certify that the district  
29 and the county office of education or special education local  
30 planning agency have *conferred and determined that consistent*  
31 *with the facility plans of the county office of education or special*

1 *education local planning agency there are* no special education  
2 facilities needs for the project.

3 (d) The board, after consultation with the State Department of  
4 Education and representatives from county offices of education,  
5 special education services regions, and school districts, shall  
6 develop and adopt any regulations necessary to implement this  
7 section.

8 (e) Notwithstanding any other provision of law, the requirement  
9 set forth in subdivision (a) may be waived, by the Superintendent,  
10 only upon compliance with the following procedure:

11 (1) The applicant school district or county superintendent of  
12 schools shall file a written request for waiver that documents the  
13 reasons for its inability to comply with the requirement.

14 (2) The State Department of Education shall verify the reasons  
15 set forth pursuant to paragraph (1), including the documentation  
16 submitted, which verification shall be completed no later than 30  
17 days after the filing of the request for waiver with the  
18 Superintendent.

19 (3) The Advisory Commission on Special Education, as  
20 established under Section 33590, at its first scheduled meeting  
21 following the verification conducted pursuant to paragraph (2),  
22 shall review the request for waiver, accompanying documentation,  
23 and the verification findings of the State Department of Education.  
24 No later than 15 days following the date of that meeting, the  
25 commission shall submit its written comments and  
26 recommendations regarding the request for waiver to the  
27 Superintendent.

28 (4) The Superintendent shall review the comments and  
29 recommendations submitted by the Advisory Commission on  
30 Special Education prior to approving or rejecting the request for  
31 waiver.

32 (5) Any request for waiver, submitted in accordance with this  
33 section, that is not rejected within 60 days of its receipt by the  
34 State Department of Education, shall be deemed approved.